

**58-81-101. Title.**

This chapter is known as the "Retired Volunteer Health Care Practitioner Act."

Enacted by Chapter 263, 2009 General Session

**58-81-102. Definitions.**

For purposes of this chapter:

(1) "Board" means the state licensing board created for each of the health care practitioners included in Subsection (2).

(2) "Health care practitioner" includes:

(a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;

(b) a physical therapist licensed under Chapter 24b, Physical Therapist Practice Act;

(c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse Practice Act;

(d) a recreational therapist licensed under Chapter 40, Recreational Therapist Practice Act;

(e) an occupational therapist licensed under Chapter 42a, Occupational Therapy Practice Act;

(f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;

(g) a mental health professional licensed under Chapter 60, Mental Health Professional Practice Act;

(h) a physician licensed under Chapter 67, Utah Medical Practice Act;

(i) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice Act;

(j) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental Hygienist Practice Act;

(k) a physician assistant licensed under Chapter 70a, Physician Assistant Act;

(l) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or

(m) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act.

(3) "Qualified location" means:

(a) a clinic, hospital, church, or organization whose primary purpose is to sponsor, promote, or organize uncompensated health care services for people unable to pay for health care services; and

(b) is a location approved by the division.

(4) "Remuneration or compensation" is as defined in Section 58-13-3.

(5) "Supervising professional" means a health care practitioner:

(a) who has an active license in the state in good standing;

(b) with a scope of practice that is appropriate for supervising the applicant as determined by the division and board; and

(c) who is practicing at the qualified location.

(6) "Supervision" means:

(a) the level of supervision required for:

(i) a social service worker in Chapter 60, Mental Health Profession Practice Act;

(ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;

(iii) a recreational therapist technician in Chapter 40, Recreational Therapist

Practice Act; and

(iv) an occupational technician assistant in Chapter 42a, Occupational Therapy Practice Act; and

(b) for the health care practitioners listed in Subsections (2)(a) through (m) and not included in Subsection (5)(a):

(i) entering into a delegation of service agreement with a supervising professional in accordance with Subsection 58-81-103(2);

(ii) having the ability to contact the supervising professional during the time the volunteer is providing volunteer services; and

(iii) for every 40 hours of volunteer service hours, meeting with the supervising professional.

(7) "Volunteer" means the individual health care practitioner:

(a) will devote the health care practitioner's practice exclusively to providing care to the needy and indigent in the state:

(i) within:

(A) the practitioner's scope of practice; and

(B) the delegation of service agreement between the volunteer and the supervising professional; and

(ii) at a qualified location;

(b) will agree to donate professional services in a qualified location; and

(c) will not receive remuneration or compensation for the health care practitioner's services.

Enacted by Chapter 263, 2009 General Session

**58-81-103. Eligibility for volunteer health care practitioner license --  
Delegation of service agreement.**

(1) A health care practitioner is eligible to apply to the division and board for a volunteer health care practitioner license if the health care practitioner:

(a) certifies to the division and board that the applicant will be engaged exclusively in volunteer health care services; and

(b) completes an application for a volunteer health care practitioner license, which includes documentation:

(i) of professional education, exams passed, and graduation;

(ii) of practice history;

(iii) of a qualified location for which the health care practitioner will be practicing;

(iv) identifying the supervising health care practitioner and the supervising health care practitioner's delegation of service agreement with the volunteer practitioner; and

(v) that the applicant has:

(A) previously been issued an unrestricted license to practice in Utah, another state of the United States, or a district or territory of the United States;

(B) never been the subject of any significant disciplinary action in any jurisdiction; and

(C) is in good health and does not have a condition which would impair the health care practitioner's ability to practice with reasonable skill and safety to patients.

(2) A health care provider who has agreed to be a supervising professional for a

volunteer at a qualified location shall:

(a) enter into a delegation of service agreement with the volunteer health care practitioner;

(b) agree to provide the level of supervision required in Subsection 58-81-102(6);

(c) determine with the volunteer whether the volunteer's scope of practice or ability to prescribe controlled substances will be limited by the delegation of service agreement;

(d) include in the delegation of service agreement that the volunteer may not prescribe a controlled substance to himself, the volunteer's family, or a staff member of the qualified location; and

(e) forward the delegation of service agreement to the division.

Amended by Chapter 49, 2014 General Session

**58-81-104. Volunteer health care practitioner license -- Waiver of fees -- Rulemaking authority.**

(1) The division and board shall issue a volunteer health care practitioner license to an applicant who:

(a) completes an application under Section 58-81-103; and

(b) meets the requirements of this chapter.

(2) A license issued under this chapter shall:

(a) comply with the scope of practice for a similarly situated licensed practitioner, except that the license shall limit the health care practitioner's practice to the qualified location;

(b) permit the health care practitioner to apply for a controlled substance license as permitted for other similarly situated licensed practitioners; and

(c) state that the license is a volunteer health care practitioner license and is subject to the restriction of Subsection (2)(a).

(3) The division and board shall waive all division fees, including application fees, examination fees, and annual renewal fees for an applicant who applies for a volunteer health care practitioner license and who otherwise meets licensure requirements.

(4) The division and board may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) approve the charity locations that qualify under Section 58-81-102;

(b) develop standards for the information that must be included in a delegation of service agreement, including a standard form that a supervising professional may use; and

(c) implement the provisions of this chapter.

(5) A health care practitioner who is licensed as a volunteer health care practitioner under this chapter is entitled to qualified immunity for charity care if the health care practitioner meets the requirements of Section 58-13-3.

Enacted by Chapter 263, 2009 General Session